



HOMELAND SECURITY EMERGENCY MANAGEMENT

NEW HAMPSHIRE DEPARTMENT OF SAFETY

HIGH HAZARD POTENTIAL DAM (HHPD) PROGRAM GUIDANCE

2021



HHPD

High Hazard Potential Dam

Preface

This guide serves as a reference for New Hampshire (NH) Homeland Security and Emergency Management (HSEM) High Hazard Potential Dam (HHPD) Program applicants. In addition to providing program overviews and informing new and current HHPD participants about the application process, this guide outlines specific compliance and task requirements for successful program participation. HSEM is pleased to respond to any questions not covered by this guide and welcome suggestions to improve the utility and content of the guide. Please contact the State Hazard Mitigation Officer at 603-271-2231 with any questions or suggested revisions. In addition, comments can be directed to HSEM via email at hazardmitigationplanning@dos.nh.gov.

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Overview

Authorization and Appropriation

The Rehabilitation of High Hazard Potential Dams (HHPD) grant program is authorized by 33 United States Code (USC) 467f-2, Rehabilitation of High Hazard Potential Dams. Congressional appropriations provide the funding for the HHPD grant program.

HHPD Grant Program Objectives

The Federal Emergency Management Agency's (FEMA) Rehabilitation of High Hazard Potential Dams (HHPD) grant program provides technical, planning, design, and construction assistance for eligible rehabilitation activities that reduce dam risk and increase community preparedness.

For the purposes of the HHPD program, the term “rehabilitation” means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable state dam safety and security standards.

The objectives of the program are to:

1. Provide financial assistance for repair, removal, or rehabilitation of eligible high hazard potential dams.
2. Protect the federal investment by requiring operation and maintenance of the project for the 50-year period following completion of rehabilitation.
3. Encourage state, local, and territorial governments to consider all dam risk in state and local mitigation planning.
4. Promote community preparedness by requiring recipients to develop and implement floodplain management plans that address potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse effects of flooding in the area impacted by the project; plans for flood fighting and evacuation; and public education and awareness of flood risks.
5. Reduce the potential consequences to life and property of high hazard potential dam incidents.
6. Incentivize states to incorporate risk-informed analysis and decision making into their dam safety practice.
7. Reduce the overall number of high hazard potential dams that pose an unacceptable risk to the public.
8. Promote a program of Emergency Action Plan (EAP) implementation, compliance, and exercise for high-hazard potential dams.
9. Reduce costs associated with dam rehabilitation through the deployment of innovative solutions and technologies.

Definitions

APPLICANT – The entity (i.e., the state under this grant program) applying to the Federal Emergency Management Agency (FEMA) for a federal award that will be accountable for the use of the funds. Once funds are awarded, the applicant becomes the recipient or pass-through entity or both.

DAM – (A) any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that –

(vii) is 25 feet or more in height from –

(III) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(IV) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

(viii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include –

(ix) a levee; or

(x) a barrier described in subparagraph (A) that –

(V) is 6 feet or less in height regardless of storage capacity; or

(VI) has a storage capacity at a maximum water storage elevation that is 15 acre-feet or less regardless of height.

DAM SAFETY DEFICIENCY – A load capacity limit or other issues that can result in a failure of the dam or appurtenant structure. It is a characteristic or condition that does not meet the applicable minimum regulatory criteria.

HAZARD MITIGATION – Cost effective measures that will reduce the potential for damage to a facility from a declared disaster event.

INTERAGENCY REVIEW TEAM (IRT) – A team of state and private stakeholders who review and prioritize HHPD applications in accordance with Executive Order 12372.

MITIGATION ACTIVITY - Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss, or suffering from disasters. The term “measure” is used interchangeably with the term “project” in FEMA regulations.

NON-FEDERAL ENTITY – A state, local government, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

NONPROFIT – Eligible nonprofit organizations are those organizations that are described under section 501(c)(3) of the Internal Revenue Code of 1986 (IRC) and exempt from tax under section 501(a) of such code.

PASS-THROUGH ENTITY – A non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program.

POPULATION AT RISK (PAR) – The population downstream of a dam that would be subject to risk from flooding in the instance of a potential dam failure; usually documented in numbers of persons at risk.

PRE-AWARD COSTS – Pre-award costs are those incurred prior to the effective date of the federal award directly pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and only with written approval of the federal awarding agency.

PROJECT - Any mitigation measure or action proposed to reduce the risk of future damage, hardship, loss, or suffering from disasters.

RECIPIENT – A non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients.

REHABILITATION – The repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable state dam safety and security standards.

ROUTINE OPERATION AND MAINTENANCE – Activities performed to prevent deterioration of structures and equipment to keep a dam in a safe and functioning condition throughout the expected life of the dam. These activities can be a scheduled or recurring action outlined in the operation and maintenance plan or performed after an inspection reveals an unusual observation that requires corrective restoration. Identifying and correcting problems before they become serious is an important part of routine operation and maintenance. Typical routine operation and maintenance activities can include (but are not limited to) mowing, removal of woody vegetation, addressing erosion, repairing concrete structures, replacement of equipment and gates, and servicing gates.

STATE HAZARD MITIGATION OFFICER (SHMO) - The SHMO is the official representative of State government who is the primary point of contact with FEMA, other Federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under the Stafford Act.

STATE HAZARD MITIGATION PLANNER (SHMP) - The individual responsible for reviewing and approving all Local Hazard Mitigation Plans in accordance with Program Administration by States.

SUBAWARD – An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

SUBRECIPIENT - A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a federal program; but does not include an individual that is a beneficiary of such program.

Program Eligibility Requirements

Eligible Subrecipients

Entity	HHPD
State Agencies	<input checked="" type="checkbox"/>
Local governments/communities	<input checked="" type="checkbox"/>
Private nonprofit organizations (PNPs)	<input checked="" type="checkbox"/>

To be eligible for funding, subrecipients must:

1. Act in accordance with the state dam safety program and the project dam must be regulated by the state dam safety program. All activities must be approved by the state dam safety agency. Any engineering studies, plans, or design drawings and specifications must be approved, signed, and stamped by a qualified design professional registered in the state in which the project is located.
2. Participate in, and comply with, all applicable National Flood Insurance Program requirements and not be suspended.
3. Commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation (or the expected life of the dam) and provide assurance that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.
4. Have a floodplain management plan in place to reduce the impacts of future flood events in the area impacted by the project or demonstrate that it will be implemented no later than one (1) year after the date of completion of the project.
5. Have in place at the time of obligation of grant funds a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000.
6. Comply with Section 5196(j)(9) of Title 42, the substance of which applies the Davis-Bacon Act and Copeland Anti-Kickback Act with respect to projects receiving assistance.
7. Complies with Chapter 11 of Title 40, Brooks Architect-Engineers Act (40 USC 1101-1104).

Dam Eligibility

To be eligible for HHPD funding, a dam must meet the definition of a dam and:

- Be located in a state with a state dam safety program
- Be classified as “high hazard potential” by the state dam safety program
- Have an EAP approved state dam safety program
- Fail to meet minimum state dam safety standards and pose an unacceptable risk to the public
- Eligible projects must meet non-federal cost share requirements

The following dams are not eligible for HHPD Funding:



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- *Federally owned dams*
- *Hydroelectric dams licensed by the Federal Energy Regulatory Commission*
- *Dams built under the authority of the Secretary of Agriculture*
- *Dams with Satisfactory or Not Rated condition assessments*

Allowable and Unallowable Activities

Eligible activities include repair, removal, or any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

Examples of Eligible Activities	
Category	Activity
Administrative	Administrative actions associated with grants management
Planning	<ul style="list-style-type: none"> ○ Activities and studies that determine risks associated with eligible dams ○ Environmental studies for NEPA compliance ○ Development of floodplain management plans (including evacuation plans, plans for flood fighting, or community response plans, and coordination of EAP and EOPs for different release conditions as part of the floodplain management plan) ○ Development of operation and maintenance plan
Preliminary Engineering	<ul style="list-style-type: none"> ○ Dam risk and consequence assessments ○ Feasibility studies ○ Preliminary engineering studies ○ Alternatives analysis ○ Mapping, engineering survey, and inundation modeling
Engineering Design	<ul style="list-style-type: none"> ○ Engineering Design ○ Development of specifications
Construction Projects	<ul style="list-style-type: none"> ○ Repair or rehabilitation of dam ○ Dam removal ○ Construction monitoring ○ Installation of early warning systems associated with the eligible dam project
Other Nonstructural Activities	Removing/relocating the downstream hazard
Outreach and Risk Communication	Public education and awareness of flood risks associated with the eligible project

Ineligible Activities

Federal funds provided under the HHPD cannot be used to:

- *Rehabilitate a federal dam*
- *Perform routine operation or maintenance of a dam or to complete deferred maintenance*
- *Modify a dam to produce hydroelectric power*
- *Increase water supply storage capacity*

- *Make any other modification to a dam that does not also improve the safety of the dam*

*Phased projects are allowed for the HHPD Program. Dam rehabilitation or decommissioning projects may require several phases in which planning, risk analysis, engineering studies, alternative analyses, design, environmental studies, and permitting are completed. These activities may extend beyond the 36-month period of performance (POP) and could better be accomplished through a phased approach.

Grant Funding

Cost Sharing Requirement

Assistance provided under the HHPD grant is subject to a non-Federal cost-sharing requirement of not less than **35** percent. Federal funding is available for up to **65** percent of the eligible activity costs.

Federal Cost Share	Non-Federal Cost Share
65%	35%
*The non-federal cost share contribution is based on the total cost of the proposed activity.	

Funding Formula

The allocation of the HHPD funds is calculated as follows:

- A. Equal Distribution: One-third of the available funding will be distributed equally among the states in which the projects for which applications are submitted;
- B. Need-Based Distribution: Two-thirds of the available funding will be distributed amongst states that submit applications with allowable activities and based on the proportion of:
 - The number of eligible high hazard potential dams in the state;
 - The number of eligible high hazard potential dams in all such states.

*The maximum subrecipient funding cannot exceed the lesser of 12.5 percent of the total amount of funds made available, or \$7,500,000.

Example – Number of States and Eligible Dams	
State	Number Eligible Dams
State 1	3
State 2	10
State 3	2
State 4	5
State 5	8
State 6	7
State 7	14
State 8	6
State 9	4

State 10	9
State 11	5
Total Eligible Dams	73

Step A. Using the funding formula, 1/3 of \$10,000,000 in available funding (\$3,333,333.33) would be divided evenly between the eleven states, totaling \$303,030.30 to each of the eleven states.

Step B. A total of 73 eligible dams were submitted with the eleven state applications. The remaining 2/3 of the available funding (\$6,666,666.67) would be distributed as shown:

Example – Resulting Funding Using Formula		
State	Ratio of State's Eligible Dams to All Eligible Dams	Resulting Funding
State 1	3/73	$\$303,030.30 + \$6,666,666.67 \times (3/73) = \$577,002.91$
State 2	10/73	$\$303,030.30 + \$6,666,666.67 \times (10/73) = \$1,216,272.31$
State 3	2/73	$\$303,030.30 + \$6,666,666.67 \times (2/73) = \$485,678.70$
State 4	5/73	$\$303,030.30 + \$6,666,666.67 \times (5/73) = \$759,651.31$
State 5	8/73	$\$303,030.30 + \$6,666,666.67 \times (8/73) = \$1,033,623.91$
State 6	7/73	$\$303,030.30 + \$6,666,666.67 \times (7/73) = \$942,299.71$
State 7	14/73	$\$303,030.30 + \$6,666,666.67 \times (14/73) = \$1,581,569.12$
State 8	6/73	$\$303,030.30 + \$6,666,666.67 \times (6/73) = \$850,975.51$
State 9	4/73	$\$303,030.30 + \$6,666,666.67 \times (4/73) = \$668,327.11$
State 10	9/73	$\$303,030.30 + \$6,666,666.67 \times (9/73) = \$1,124,948.11$
State 11	5/73	$\$303,030.30 + \$6,666,666.67 \times (5/73) = \$759,651.31$

*Using the funding formula, the resulting funding for State 7 exceeded the maximum amount, so State 7 would still receive \$1,581,569.12, however, no subrecipient would be awarded more than \$1,250,000.

Subrecipient Application Process

Letter of Intent (LOI)

When funding becomes available for the High Hazard Potential Dam (HHPD) Program the State Hazard Mitigation Officer will request the submission of a Letter of Intent (LOI) from potential subapplicants with an applicable submission deadline. LOIs will be reviewed for program eligibility and project application packages will be sent out for project development. Although LOIs are requested following funding availability, subapplicants may submit an LOI at any time via the HSEM Resource Center at https://prd.blogs.nh.gov/dos/hsem/?page_id=6081.

Applications

Subapplications for the High Hazard Potential Dam (HHPD) Program are submitted through the HSEM Resource Center. Subapplicants will receive an application package link. The following will be required within subapplication submissions:

- Name of Community/Agency

- DUNS #
- Dam Name
- State Dam Inventory Number
- Project Address
- Primary Contact
- Fiscal/Financial Agent
- Project Cost
- Project Milestones
- Project Narrative
- Scope of Work Budget
- Population at Risk (PAR)
- Procurement Policy
- Description of Match
- Match Commitment Letter (sample letter can be found here: https://prd.blogs.nh.gov/dos/hsem/?page_id=839)
- Hazard Mitigation Plan FEMA Approval date
- Completed Local Hazard Mitigation Plan Review Tool to include “Optional: High Hazard Potential Dam Risks” Section (blank Review Tool can be found here: https://prd.blogs.nh.gov/dos/hsem/?page_id=5944)
- Copy of Floodplain Management Plan and/or certification of development/implementation (plan template can be found here: https://prd.blogs.nh.gov/dos/hsem/?page_id=839)
- [EHP Checklist](#)
- Compliance Conditions
- Assurances

Should you not have the ability to apply online, an HSEM Field Representative is available to assist you.

Application Review, Evaluation, and Ranking of Projects

The SHMO and hazard mitigation staff will perform the initial review of an LOI and full project applications to ensure all information and documentation is provided. The SHMO and a subapplicants’ assigned HSEM Field Representative will assist with development of project applications.

As the HHPD programs require Executive Order (EO) 12372 review, eligible applications will be presented at the Interagency Review Team (IRT) meeting where the project will be ranked and prioritized utilizing the IRT Scorecard and Risk-Based Prioritization Method.

The SHMO will chair the IRT, which includes permanent members from the following agencies/organizations:

- NH Homeland Security and Emergency Management (HSEM)
- NH Department of Environmental Services (DES)
- NH Office of Strategic Initiatives (OSI)

Additional State agency representatives will be determined by the nature of the projects for which funds have been requested. Appropriate Federal agencies may also be asked to help review the merits of certain types of projects.

The SHMO will notify all subapplicants of the decision made by the State relative to their proposed project. Projects not selected for funding may be considered under future HHPD funding opportunities at the instruction of the subapplicant. All approved projects will be submitted to FEMA no later than the identified application submission deadline on within the Notice of Funding Opportunity.

FEMA may request additional information and/or documentation for further clarification on a subapplication. The subapplicant must provide additional information no later than the FEMA determined deadline in response to a formal request for information in order to proceed with the application process.

Grant Agreement

A grant agreement is required to be executed for each grant award and prior to subapplicants beginning their project. **If a project is started prior to grant agreement approval activities will be deemed ineligible.** This is a legally binding agreement between the subrecipient and the State of New Hampshire. The agreement contains general terms and conditions, scope of services, grant expiration date, reporting requirements, grant amount, and payment method, as well as any special provisions. Once the executed grant agreement is returned to HSEM, it may take another 1-2 months for review and final decision/approval to be made. Any changes in the original scope of work ***must*** have prior approval from FEMA. Please refer to [Scope of Work Changes](#), under the Grant Compliance Requirements section for additional instructions.

Period of Performance

The Period of Performance (POP) is the period of time during which the non-Federal entity may incur costs.

- The POP for **FY 19 HHPD** is September 30, 2019 to September 30, 2022
- The POP for **FY 20 HHPD** is September 1, 2020 to August 31, 2023
- The POP for **FY 21 HHPD** is September 1, 2021 to August 31, 2024

Monitoring

HSEM is responsible for monitoring subrecipient activities. The purpose of grant monitoring is to ensure the program is being administered properly and records are being maintained in accordance with applicable regulations. It is also used to render technical assistance, as necessary. The level of monitoring for a subrecipient is determined by the result of a risk-based assessment (*refer to [Risk Assessments \(Pre-Award\)](#) under the Grant Compliance Requirements section of this document*). The monitoring levels consist of programmatic reviews, desk audits and on-site program/compliance reviews. Contacts with subrecipients are documented and filed.

Contact Information

For questions or assistance with the HHPD Program, contact your assigned HSEM Field Representative at nhfs@dos.nh.gov, 603-223-3663 or contact the State Hazard Mitigation Officer at hazardmitigationplanning@dos.nh.gov or 603-271-2231.

Grant Compliance & Certification Requirements

2 C.F.R. Part 200 (the “Super Circular”)

In December 2014, FEMA implemented Title 2, Part 200 of the Code of Federal Regulations (C.F.R.), the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Super Circular”). 2 C.F.R. Part 200 provides guidance on the administrative aspects of federal grants (e.g. how grants are awarded, managed, audited, and closed out). The following list identifies some of the areas where substantive changes were made, effective December 2014, in 2 C.F.R. Part 200 and impacts HHPD subrecipients. **HHPD subrecipients are encouraged to become familiar with the requirements of each section:**

- [§200.112 Conflict of Interest](#)
- [§200.204 Federal Awarding Agency Review of Merit Proposals](#)
- [§200.307 Program Income](#)
- [§200.308 Revision of Budget and Program Plans](#)
- [§200.309 Period of Performance](#)
- [§200.313 Equipment](#)

Audit Submittals

All applicants are required to upload and submit a copy of their most recent audit documentation at the time of grant agreement submission. Submittal of additional audits may be requested if the grant award extends between multiple fiscal years or due to the determination of the risk assessment.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants will be required to review and sign the *Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form* at the time of application. Acceptance of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.



Commingling

Commingling is the mixing or blending of funds so that expenditures cannot be identified to a particular grant, project, or indirect activity. FEMA requires that recipients of Federal grant funds utilize financial systems that provide for effective control over and accountability for all funds, with separate accounts established for each project. The accounting systems of all subrecipients **must** ensure that agency funds are not commingled with funds from other Federal agencies. Each award **must** be accounted for separately. Subrecipients are prohibited from commingling funds on either a program-by-program or project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another. Where a subrecipient's accounting system cannot comply with this requirement, the subrecipient shall establish a system to provide adequate fund accountability for each project it has been awarded.

Data Universal Numbering System (DUNS)

A Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by Dun & Bradstreet (D&B) that verifies the existence of a business entity globally. D&B assigns DUNS numbers for each physical location of a business. The subrecipient's active DUNS number **must** be provided on HHPD applications and will be verified by the State Hazard Mitigation Officer through www.sam.gov. Subrecipients should confirm they have a DUNS number or take the steps necessary to obtain one, as soon as possible. Subrecipients can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705-5711 or by visiting the [Dun & Bradstreet website](http://www.dunbradstreet.com).

Environmental Planning and Historic Preservation (EHP) Compliance

FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and projects funded by this grant program comply with Federal Environmental Planning and Historic Preservation (EHP) regulations, laws, and Executive Orders, as applicable.

Applicants proposing projects that have the potential to impact the environment **must** participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA also is required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process **must be completed and approved before** funds are released to carry out the proposed project. FEMA will not fund projects that are initiated without the required EHP review. If the project is started prior to EHP approval, the project will be considered **non-compliant** and receipt of FEMA grant funds will be jeopardized.

Additionally, all subrecipients are required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in [FP 108-023-1, Environmental Planning and Historic Preservation Policy Guidance](#), and [FP 108.24.4, Environmental Planning and Historical Preservation Policy](#). Other supporting documentation, including the EHP Checklist and Screening Form, is provided in HSEM's Resource Center at: https://prd.blogs.nh.gov/dos/hsem/?page_id=839.

All required EHP review documentation is to be submitted at time of application. Contact your HSEM Field Representative for assistance, if needed.

Excluded Parties List System

Applicants are **required** to confirm and certify that any and all vendors, contractors, or sub-contractors to be used for the proposed project(s) are not listed on the Excluded Parties List System (EPLS) located on www.sam.gov. For further information on the EPLS, refer to the following fact sheet: [https://www.sam.gov/sam/transcript/Public - Identifying Excluded Entities.pdf](https://www.sam.gov/sam/transcript/Public_-_Identifying_Excluded_Entities.pdf)

Extension Requests

Applicants should only propose projects that will be completed within the performance period. Extensions to the period of performance may be considered by HSEM when (due to circumstances beyond the control of the subrecipient) activities associated with the award cannot be completed within the stated performance period. The subrecipient should request an extension in writing at least 3 months prior to the grant's expiration date and include the following justification:

- Verification that progress has been made as described in quarterly reports
- Reason(s) for delay
- Current status of the activity/activities
- Current POP termination date and new projected completion date
- Remaining available funds, both Federal and non-Federal
- Budget outlining how remaining Federal and non-Federal funds will be expended
- Plan for completion, including updated schedule

Grant extensions are done on a case-by-case basis and approved by the Federal Emergency Management Agency (FEMA).

Matching Funds

The HHPD program has a **65% Federal and 35% non-Federal** match (cash or in-kind) requirement. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. To meet matching requirements, the subrecipient contributions **must** be *reasonable, allowable, allocable, and necessary* under the grant program and **must** comply with all Federal requirements and regulations. At the time of application, proof of match is required via a match commitment letter. When seeking reimbursement, proof of match **must** be provided at the time of request. Any questions on allowable local match should be directed to your assigned HSEM Field Representative or the State Hazard Mitigation Officer.

Non-Compliance

Per 2 C.F.R. §200.338/Remedies for Noncompliance, if a subrecipient fails to comply with Federal statutes, regulations or the terms and conditions of the executed grant agreement (award), the State may impose additional conditions on the award (refer to 2 C.F.R. §200.207). If those additional conditions do not remedy the non-compliance, additional remedies are available, including temporarily withholding cash payments, disallowing costs, wholly or partially



suspending or terminating the award, suspension or debarment proceedings, withholding further Federal awards for the project, and any other remedies legally available. Also, be sure that projects are **NOT** started and/or purchases are **NOT** made against the Federal award share prior to receiving notification of your grant award – you will **NOT** receive reimbursement and will risk ability to receive future grant funds.

Procurement by Non-Federal Entities

Procurement is the process of acquiring (buying, purchasing, renting/leasing or otherwise obtaining) goods and services. This process **must** be competitive and well-documented. All subrecipients of Federal awards **WILL** also follow 2 C.F.R §200.318-200.326 along with applicable local and State policies when procuring property and services. As covered under these regulations, subrecipients **must** maintain and use documented procurement procedures and standards of conduct, have written procedures for procurement transactions, and follow methods of procurement according to the size of the purchase. In combination with the previously mentioned procurement requirements, subrecipients **must** perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (currently set at \$150,000) including contract modifications and provide HSEM with procurement documents upon request. Be sure to review the regulations in their entirety by following the links associated with each of the regulations listed below:

- [§ 200.318 General procurement standards](#)
- [§ 200.319 Competition](#)
- [§ 200.320 Methods of procurement to be followed](#)
- [§ 200.321 Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms](#)
- [§ 200.322 Procurement of recovered materials](#)
- [§ 200.323 Contract cost and price](#)
- [§ 200.324 Federal awarding agency or pass-through entity review](#)
- [§ 200.325 Bonding requirements](#)
- [§ 200.326 Contract provisions \(must contain applicable provisions described in *Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*\)](#)

Note: Federal requirements are in addition to local and state requirements.

Records Retention

With the acceptance of HHPD funds, subrecipients are **required** to retain grant records and documentation for a period of three (3) years from the State’s submission of the final expenditure report to FEMA. This date will be provided on the subrecipient’s closeout letter. Grant documentation includes, but is not limited to, grant applications, copies of financial reports, progress reports, expenditure reports, invoices, contracts, related correspondence and

memoranda (which may include emails). Subrecipients shall also maintain detailed documentation of the 35% cost share (match) required by this grant.

Risk Assessments (Pre-Award)

In accordance with Federal Regulations, a risk assessment is conducted to determine the type and level of monitoring that is required for each subrecipient and is completed at the time of application. The assessment helps to identify risks to achieving grant objectives, analyzes those risks, and decides how to respond to those risks. The risk assessment contains a number of scoring criteria such as the size and complexity of the grant, past audit findings, as well as experience and past performance of the applicant. The level of risk (low, moderate, high) helps determine the level of subrecipient monitoring or other response by HSEM. Monitoring procedures range from programmatic reviews to extensive site visit reviews. **A separate risk assessment is performed for each grant program that the Department of Safety (DOS) manages.**

Scope of Work Changes (SOW)

In accordance with 2 CFR §200.308, recipients must obtain FEMA's prior approval whenever there is a proposed subrecipient scope of work (SOW) change. Requests for changes to the SOW after award are permissible as long as they are consistent with the intent of the program. Requests must be made in writing and demonstrate the need for the scope change. The request also should include a revised scope, schedule, and budget. Any SOW changes are subject to all programmatic requirements, including EHP review requirements. All approvals will be at FEMA's discretion.

Special Conditions

Subrecipients shall be aware of and adhere to all special conditions and assurances that are included with the subrecipient grant award package. This also includes any standard and special conditions outlined in the EHP Review's Clearance Memo, if applicable.

Supplanting

FEMA's non-supplanting requirement states that grant funds **must** never replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Grant funds should increase the overall amount of resources available, and subrecipients **must** ensure that the current overall level of funding to support objectives (absent exigent circumstances) is not reduced because of Federal funds. *Note: Budgeting for matching funds is not considered supplanting and is allowable under the HHPD programs as long as it is clearly identified as such.*

System for Award Management (SAM)

Subrecipients **must** maintain an updated and current SAM registration at www.sam.gov. The State Hazard Mitigation Officer will verify that each subapplicant's organization's name, address, DUNS number and Employer Identification Number (EIN) are up-to-date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments

will be contingent on the information provided in SAM; therefore it is imperative that the information is correct.

Appeal Process

An eligible subapplicant, subrecipient, or Recipient may appeal any FEMA determination regarding subapplications or applications submitted for funding under HHPD. FEMA will only consider written appeals that justify the request for reconsideration. The appeal should specify the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

Whether the appeal originated with the Recipient or with a subapplicant/subrecipient, the appeal must be submitted in writing to the Regional Administrator by the Recipient. The Regional Administrator is the decision-maker on first appeals. An appeal of the Regional Administrator's decision on any first appeal (the second appeal) is decided by the Deputy Associate Administrator for Mitigation. In some cases, the appeal may involve highly technical issues. In these cases, FEMA may consult independent scientific or technical experts on the subject under appeal.

To begin the appeal process (including second appeals), appellants must submit documentation within 60 days after receiving the initial notice of the action on the first appeal. The Recipient must forward all appeals from a subapplicant/subrecipient with a written recommendation to the Regional Administrator within 60 days of receipt. The Region will forward second appeals with recommendation and associated documentation to FEMA Headquarters. Within 90 days following the receipt of an appeal, FEMA will notify the Recipient in writing of the disposition of the appeal or of the need for additional information.

If additional information is needed, FEMA will determine a date by which the information must be provided. Within 90 days following the receipt of the requested additional information (or 90 days after the information was due), FEMA will notify the Recipient in writing of the disposition of the appeal.

FEMA will provide its decision to the Recipient in writing. If the decision is to grant the appeal, the Regional Administrator will take the appropriate action.

Reporting Requirements

Federal Funding Accountability and Transparency Act (FFATA) Reporting Mandate

By law, all subrecipients receiving Federal awards totaling \$25,000.00 or more are subject to the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. These subrecipients **must** complete and return a FFATA subrecipient Information Reporting Form along with their executed grant agreement in order to continue the approval process. This form can be found on HSEM's Resource Center at: https://prd.blogs.nh.gov/dos/hsem/?page_id=839.

Quarterly Progress Reporting

Subrecipients are **required** to submit Quarterly Progress Reports (QPRs) that provide sufficient detail to measure progress of the funded project(s). Reimbursements will NOT be made if a subrecipient is delinquent with their QPRs. The HHPD QPR form is available on the HSEM Resource Center at: https://prd.blogs.nh.gov/dos/hsem/?page_id=848.

The following reporting periods and due dates apply:

<u>Reporting Period</u>	<u>Report Due Date</u>
January 1 to March 31	April 15
April 1 to June 30	July 15
July 1 to September 30	October 15
October 1 to December 31	January 15

Compliance of Audit Requirements

All non-Federal entities that expend \$750,000 or more in federal awards during a subrecipient's fiscal year are required to obtain a single audit in accordance with the Single Audit Act Amendments of 1996, Office of Management and Budget (OMB) Circular A-133 – Audits of State, Local Governments and Non-Profit Organizations, the OMB Circular A-133 Compliance Supplement and Government Auditing Standards. All subrecipients are required to certify and return the *Audit Certification Form* no later than sixty (60) days from the subrecipient's fiscal year end date in which reimbursement is received. If applicable, subrecipients **must** submit a copy of their A-133 Audit Report within nine (9) months of their fiscal year end*. The *Audit Certification Form* can be found on HSEM's Resource Center located here: https://apps.nh.gov/blogs/hsem/?page_id=419 and **must** be completed by the Chief Financial Officer, Business Manager, Treasurer or other person responsible for the financial records of the organization.

*Examples

Fiscal Year Reimbursement Received	A-133 Audit Return By Date
January 1, 2017 – Dec. 31, 2017	September 30, 2018
July 1, 2017 – June 30, 2018	March 31, 2019

Requests for Reimbursement

All projects are **required** to be completed and invoices need to be dated on or before the grant agreement's expiration date. Because HSEM has to close out its financial accounts and report its expenses to FEMA in a timely manner, all requests for reimbursement **must** be made no later than 30 days after the expiration of the grant agreement. Otherwise, reimbursement may not be paid. Requests for reimbursement **must** be submitted on community/agency letterhead that matches the address shown in Section 1.4 of the executed grant agreement. A template for the request for reimbursement letter is available on HSEM's Resource Center located at:

https://prd.blogs.nh.gov/dos/hsem/?page_id=839.

Reimbursement requests **must** include any outstanding reports (QPR, Final Performance and Expenditure Report, and the Equipment Inventory Form accompanied by photos, if required), proof of costs (copies of invoices/bills, payroll documentation, sign in sheets, agendas, etc.), proof of payment (cancelled checks, copies of accounting ledgers and/or statements documenting payment) and proof of match equal to or greater than the reimbursement request. HSEM has no obligation and makes no commitment to reimburse for subrecipient costs incurred prior to or after the effective dates of the grant agreement; therefore, any purchases made **PRIOR** to and **AFTER** the grant award will be **disallowed**. The exception would include incurred costs prior to award that have been identified within the application as pre-award costs or match. Reimbursement can be requested through the HSEM Resource Center: https://prd.blogs.nh.gov/dos/hsem/?page_id=4652.

Closeout Process

Within 30 days after the grant's expiration date, the subrecipient **must** submit all financial, performance, and other reports required as a condition of the grant to include the following:

- Final request for reimbursement,
- Final Quarterly Progress Reports,
- Final Performance and Expenditure Report,
- Copy of any plans developed with grant funding (if applicable),
- Final Site inspection and site photos (if applicable), and

Once the grant file is reviewed for completeness and accuracy and final payment has been paid to the subrecipient, an official closeout request letter will be sent to FEMA. Once the project is closed, the State Hazard Mitigation Officer will send a closeout letter to the subrecipient. The Equipment Inventory Form, Final Quarterly Progress Report, and Final Performance and Expenditure Report can be found on HSEM's Resource Center at: https://prd.blogs.nh.gov/dos/hsem/?page_id=839.

